

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Evasion of Tax by M/s. Jagannathji Industries, Turmeric Dealer, Nizamabad with collusion of C.T. Officials - Disciplinary action initiated against Sri M. Yettaiah, the then Deputy Commercial Tax Officer-II, Nizamabad (now Retired) - Charges framed - Enquiry Conducted - Penalty of 20 % cut in pension for a period of one year under rule 9 of A.P. Revised Pension Rules, 1980 - Imposed - Orders - Issued.

REVENUE (VIGILANCE- I) DEPARTMENT

G.O.Rt.No. 357

Dated:06-03-2012.

Read the following :

- 1) From the Director General, Vigilance & Enforcement Department, Alert Note No. 123, Dt: 30.11.2004.
- 2) Commissioner of Commercial Taxes, A.P, Hyderabad Ref. No.V1/920/2005-1&2, dt.01.08.2005.
- 3) Commissioner of Commercial Taxes, A.P, Hyderabad Proceedings No. VI/920/2005, Dated 6.10.2009.
- 4) Sri M. Yettaiah, DCTO, written statement of defence dt: 30.8.2005.
- 5) From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No. VI/920/2005, Dt: 20.8.2008.
- 6) G.O. Rt. No.1779, Revenue (Vig.I) Deptt., dt.12.09.2008.
- 7) From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No. VI/920/2005, Dt: 3.4.2009 along with the enquiry report of the Joint Commissioner, CT dt: 28.2.2008.
- 8) Memo No.14109/Vig.I(1)/2005-5, Rev. (Vig. I) Dept., dt.25.07.2009.
- 9) Sri M. Yettaiah, former DCTO and retired as ACTO, representation dt: 08.09.2009.
- 10) Govt. Memo No. 14109/Vig. I(1)/2005-8, Rev. (Vig. I) Dept. Dt: 19.10.2010.
- 11) From Sri M. Yettaiah, former DCTO and retired as ACTO, representation, dated 21.12.2010.
- 12) From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No. V2/1448/2010, Dated 19.12.2011.
- 13) Govt. Letter No.14109/Vig. I(1)/2005-12, Rev. (Vig. I) Dept. Dt:27.1.2012.
- 14) From the Secretary, APPSC, Letter No.299/RT-I/3/2012, Dt: 13.2.2012.

ORDER:

In the reference 1st read above, the Vigilance & Enforcement Department furnished Alert Note relating to cross verifying of the transactions with reference to returns filed by M/s. Jagannadhji Industries, Turmeric Dealer, Nizamabad to Commercial Tax Department and the Agricultural Market Committee, Nizamabad. The Vigilance & Enforcement Department found that the dealer reported less turnovers and evaded payment of tax. The assessments for the year 2001-2002 & 2002-2003 were finalized by Sri G. Krishna Rao, Deputy Commercial Tax Officer, Nizamabad-II and Sri N. Yettaiah, Deputy Commercial Tax Officer, Nizamabad-II finalized the assessment for the year 2003-2004 without obtaining the utilization statement of statutory forms (including way bills). The Vigilance & Enforcement Department, among others, recommended to initiate disciplinary action against the above two Accused Officers.

P.T.O.,

2. Based on the above, the Commissioner, Commercial Taxes, AP, Hyderabad framed charges against Sri G. Krishna Rao and Sri N. Yettai, Deputy Commercial Tax Officers, Nizambad on 1.8.2005. In respect of Sri G. Krishna Rao, Deputy Commercial Tax Officer, the matter was got inquired into and based on the findings of Inquiring Authority and following due procedure, the Commissioner of Commercial Taxes, A.P, Hyderabad imposed a penalty of stoppage of two annual grade increments without cumulative effect against Sri G.Krishna Rao, Deputy Commercial Tax Officer, vide reference 3rd read above.

3. Sri M. Yettaiah, Deputy Commercial Tax Officer, later reverted as Assistant Commercial Tax Officer, submitted his written statement of defence on 30.8.2005 and subsequently retired from service on attaining the age of superannuation on 30.6.2008. In view of the above, the Commissioner of Commercial Taxes, A.P, Hyderabad referred his case to the Government recommending to conduct enquiry into the matter, vide reference 5th read above.

4. Government, after examination of the matter, appointed Sri M. Pampapathi, Joint Commissioner (CT (Audit), Office of the Commissioner of Commercial Taxes, as the Inquiring Authority to conduct detailed enquiry into the charges framed against Sri M. Yettaiah, Assistant Commercial Tax Officer (Retired) vide reference 6th read above. In the reference 7th read above, the Enquiry Officer submitted his Enquiry Report and held that charge is proved. In the reference 8th read above, a copy of the enquiry report was communicated to Sri M. Yettaiah, ACTO (Retd.) directing him to submit his representation.

5. In the reference 9th read above, Sri M. Yettaiah, former Deputy Commercial Tax Officer and retired as Assistant Commercial Tax Officer has submitted his representation stating that he had collected tax of Rs.1,39,000/- for the year 2003-04 and submitted the assessment files relating to the years 2002-2003 & 2003-2004 to the Commercial Tax Officer-II, Nizamabad for revision on the suppressed turnover. The Commercial Tax Officer-II, Nizamabad revised the assessment and accordingly the demands were collected and thus there was no loss to the Government. But the enquiry officer has not taken the above fact into consideration. Hence, there was no carelessness or negligence on his part in finalizing the assessments of the dealer and requested to drop further action against him.

6. Government have examined the representation with reference to findings of the Enquiry Officer and observe that the Commercial Tax Officer-II, Nizamabad recovered the dues from the Dealer in 2009. The plea of the Delinquent Officer that the initial loss of revenue was later recovered does mitigate to some extent the lapse / negligence of duty in the first instance but cannot totally absolve him from the charge framed. As such, Government have provisionally decided to impose a penalty of 20% cut in pension for a period one year against Sri M. Yettaiah, Deputy Commercial Tax Officer (Retd.) under Rule 9 (1) of A.P. Revised Pension Rules, 1980. Accordingly, in the reference 10th read above, a show-cause notice was issued directing him to submit his representation on the above provisional decision.

7. In the reference 11th read above, Sri M. Yettaiah, former Deputy Commercial Tax Officer and retired as Assistant Commercial Tax Officer submitted his representation stating that as and when the suppressed turnovers are noticed, he transferred the assessment files to the Commercial Tax Officer for revision and the same were revised by the Commercial Tax Officer and the demands were also collected. As such, there is no loss to the Government. But the enquiry officer has not considered this aspect and conducted enquiry in partial manner. Hence, he has requested to reduce the proposed punishment as the same is excessive.

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8. Government have examined the representation and observe that the Delinquent Officer has not submitted any new points for reviewing the provisional decision. His plea that there is no loss caused in the case inspite of the lapse committed by him and he cannot claim credit for that. The charged officer failed to verify from his own office records the issue of way bills and utilisation statement of statutory forms (including way bills) and therefore, he was found negligent in discharging his official duties. Accordingly, Government have decided to confirm the provisional decision to impose the proposed penalty against the individual and addressed the A.P. Public Service Commission for their concurrence. In the reference 14th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty against the individual.

9. Government, after careful examination of the matter, hereby impose the penalty of 20% cut in pension for a period of one year against Sri M. Yettiah, former Deputy Commercial Tax Officer, Nizamabad-II and retired as Assistant Commercial Tax Officer under rule 9 of A.P. Revised Pension Rules, 1980. Copy of the advice of the A.P. Public Service Commission, dt: 13.2.2012 as required under rule 23 of APCS (CC&A) Rules, 1991 is herewith furnished to the individual.

10. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M. Yettaiah, Assistant Commercial Tax Officer (Retd.) (w.e).

through the Commissioner of Commercial Taxes, A.P, Hyderabad.

The Commissioner of Commercial Taxes, A.P, Hyderabad

(with a request to serve the G.O on the individual and send the served copy with dated signature to Government)

Copy to:

The General Administration (Vigilance & Enforcement Department.

The Secretary, A.P. Public Service Commission, Hyderabad.

The Accountant General, AP, Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The Revenue (CT.I) Department.

PS to Prl. Secretary to Government, Revenue Department.

SF/SC.

//Forwarded :: By Order//

SECTION OFFICER.